

REMARKS

In the Final Office Action, the Examiner rejected claims 1-9. By the present Response, Applicant has cancelled claims 1-9 and added new claims 10-18 to expedite allowance of the application. No new matter is added by these amendments, which are supported by the application as filed, specifically at pages 4, 5 and 8-11. Upon entry of the amendments, new claims 10-18 will be pending. Reconsideration and allowance of the application are respectfully requested in view of the foregoing amendments and following remarks.

35 U.S.C. §103 Rejections

Withdrawal of the rejection of Claims 1, 2, and 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") is respectfully requested in view of the cancellation of claims 1-3.

Withdrawal of the rejection of Claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") in further view of US Patent Application Publication No: 2002/0159402 to Binder ("Binder") is respectfully requested in view of the cancellation of claim 4.

Withdrawal of the rejection of Claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") in further view of Desmarais, Louis, Applied Electro-Optics. Prentice Hall 12/51997, page 244 ("Desmarais") and US Patent Application Publication No: 2003/0084112 to Curray, et al. ("Curray") is respectfully requested in view of the cancellation of claim 5.

Withdrawal of the rejection of Claims 6 and 7 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") is respectfully requested in view of the cancellation of claims 6-7.

Withdrawal of the rejection of Claim 8 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") in further view of US Patent Application Publication No: 2002/0159402 to Binder ("Binder") is respectfully requested in view of the cancellation of claim 8.

Withdrawal of the rejection of Claim 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,787,258 to Costa, et al. ("Costa") in view of US Patent Application Publication No: 2003/0017845 to Doviak, et al. ("Doviak") in further view of Desmarais, Louis, Applied Electro-Optics. Prentice Hall 12/51997, page 244 ("Desmarais") and US Patent Application Publication No: 2003/0084112 to Curray, et al. ("Curray") is respectfully requested in view of the cancellation of claim 9.

Allowability of New Claims 10-18

New Claims 10-18 are believed to be patentable over the alleged combinations of Costa, Doviak, Binder, Desmarais (only citing p. 244 for disclosure of an "optocoupler") and Curray. None of these references, alone or in combination, teach, disclose or suggest at least: "wherein the network monitor is configured to initiate one of a healing operation and a disconnect operation if an error ratio between good data detected by at least one counter and detected bad data detected by the at least one counter exceeds a preset limit," as recited in new independent claim 10.

Claims 11-18 are believed to be allowable over the alleged combinations of Costa, Doviak, Binder, Desmarais (p. 244) and Curray at least by virtue of their respective dependencies on allowable independent claim 10, as well as for their added features.

CONCLUSIONS

In view of the foregoing remarks, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for Allowance. A Notice of Allowance for claims 10-18 is therefore earnestly solicited.

While various distinctions may have been noted with respect to the cited reference(s), there may be other limitations in the pending claims that are also distinguishable over the cited reference(s). Applicant therefore reserves all rights and arguments with respect to all such other limitations and distinctions not expressly noted above. Moreover, to the extent that any claim amendments made above constitute a narrowing of the scope of claimed subject matter, such narrowing should not be construed as admitting the merits of any of the claim rejections. Applicant's failure (if at all) to expressly address above any particular statement or argument by the Examiner should not be construed as an admission or acquiescence that such statement or argument is accurate or proper.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representatives at the below listed telephone number.

Respectfully submitted,

_____/jet50352/_____
Jonathan E. Thomas
Reg. No. 50,352
Attorney for Applicant

General Electric Company
Global Patent Operation
P.O. Box 861
2 Corporate Drive, Suite 648
Shelton, CT 06484
T: (203) 944-6747
F: (203) 761-6712